



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: August 17, 2005 REPORT NO. HO 05-148

ATTENTION: Hearing Officer

SUBJECT: BACON STREET MAP WAIVER  
PROJECT NUMBER: 54157

LOCATION: 2019-2023 Bacon Street

APPLICANT: Robert Bateman/ San Diego Land Surveying

### SUMMARY

Requested Action - Should the Hearing Officer approve Coastal Development Permit No. 163850 and Map Waiver No. 163846 to waive the requirements for a Tentative Map to convert three existing residential units into condominiums and waive the requirement to underground existing overhead utilities?

### Staff Recommendation -

1. APPROVE Coastal Development Permit No. 163850 and Map Waiver 163846.
2. APPROVE waiver of the requirement to underground existing overhead utilities.

Community Planning Group Recommendation - The Ocean Beach Planning Board voted 6-2-2 to recommend approval of the proposed project on May 4, 2005 with four conditions (Attachment 7).

Environmental Review - The project has been determined to be exempt from the California Environmental Quality Act (CEQA) in accordance with the State CEQA Guidelines 15301(k), existing facilities.

### BACKGROUND

The project is located at 2019-2023 Bacon Street between Cape May Avenue and Saratoga Avenue on a 0.060-acre site, in the RM-2-4 Zone (Residential-Multiple Unit), Coastal Overlay Zone (non-appealable area), Coastal Height Limit Overlay Zone, Airport Approach Overlay

Zone, and Airport Environs Overlay Zone. The site is also located within the Ocean Beach Emerging Cottage Historic District and the Ocean Beach Precise Plan and Local Coastal Program (Attachment 1). The site is designated within the Ocean Beach Community Plan for multi-family residential in the community plan at a density of 25 du/ac (Attachment 2). The project site consists of three (3) for-rent residential units in one building (constructed in 1946), with four (4) parking spaces. The property is located in the Coastal Overlay Zone (non-appealable area); therefore the subdivision requires a Coastal Development Permit.

## DISCUSSION

The site is a level 2,626-square-foot rectangular lot consisting of three for-rent residential units in one building. The site is currently zoned RM-2-4 (multiple unit residential zone) permitting one unit per 1,750-square-foot of lot area. The RM-2-4 zone was applied in January 2000. In April 1930 the site was zoned R-4, which allowed seven residential units. The original units were constructed in 1946 when the site was zoned R-4. The building contains two two-bedroom units, for a total of 1,200-square-feet, and one three-bedroom unit, for a total of 750-square-feet. Off street parking was not required before 1960, therefore, this project provides four parking spaces: two in an enclosed garage, and two off-street open spaces accessible from the alley; the project deviates from current density and parking requirements: the two, two-bedroom unit requires 4.5 spaces and the one three-bedroom unit requires 2.5 spaces in accordance with LDC-Table 142.05C; however, the project has previously conforming rights for development and density to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The existing four parking spaces are required to remain in accordance with LDC Section No. 142.0510.

This project is a request to waive the requirement of the Tentative Map for the subdivision of a 0.060-acre site into one lot to convert three existing residential rental units to condominium units which will allow the sale of each unit. Additionally, the project requests a waiver from the requirement to underground the existing overhead utilities adjacent to the project site. This type of development is consistent with the General Plan and the Ocean Beach Precise Plan, which designates the area for multi-family residential use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

No new construction or grading will take place under Coastal Development Permit No. 163850 and Map Waiver No. 163846, nor are there any known Building or Zoning Code violations of record against this property. Future expansion or redevelopment of the project site would be subject to review under these regulations as outlined in Chapter 13, Article 2, Divisions 2, 3, 4, 5 and 8 of the Municipal Code.

### Affordable Housing:

This project is subject to the requirements of the Coastal Overlay Zone Affordable Housing Replacement Regulations of the San Diego Municipal Code at Chapter 14, Article 3, Division 8. The San Diego Housing Commission completed a tenant income survey of the existing residents

which found the following existing conditions: one three-bedroom unit occupied by *moderate-income* households. Pursuant to the June 7, 2005 direction from the Housing Commission, the applicant must therefore set aside one 3-bedroom unit Affordable replacement unit or pay the In-Lieu fee of \$3,800, which is subject to change and the required amount will depend on the fee schedule in place at the time the Coastal in-lieu fee is paid.

This project was deemed complete on November 18, 2004 and is under 10 units, therefore is subject to an In-Lieu Fee of \$0.875 per square foot. As the existing development provides 1,925 square-feet of living space, the applicant is required to either pay a total of sum of \$1,643 or set aside 10% of the units as Affordable. However, because the Coastal Affordable Replacement In-Lieu fee would be greater, the project is only subject to the more stringent of the two and not both. Therefore, if the applicant chooses to pay the \$3,800 of the Coastal Affordable Housing Replacement regulations, the applicant would not have to pay the additional \$1,643 of the Inclusionary Housing regulations.

In order to comply with the relocation requirements of the Condominium Conversion ordinance, a tenant income survey is undergoing by the Housing Commission and must be completed prior to the recordation of the parcel map.

#### Noticing:

California State Law and the City's Municipal Code require that all tenants living within a proposed condominium conversion project, and all persons applying for a rental unit within such a project, must receive adequate notice (see California Government Code Section 66427.1 and San Diego Municipal Code Sections 125.0431 and 125.0640).

The applicant has certified that the required 60-day Notice of Intent to Convert to Condominiums was provided to the tenants on July 16, 2004 (Attachment 9).

Government Code 66452.3, requires that a copy of the staff report be served to each tenant, on each lease 72-hours (three calendar days) prior to the Hearing Officer hearing. This requirement will be fulfilled on or before August 13, 2005.

#### Airport Environs Overlay Zone (AEOZ)

The project site is within the Airport Environs Overlay Zone (AEOZ). Prior to submitting the Parcel Map to the City for review, the applicant shall coordinate with the San Diego County Regional Airport Authority to determine whether an aviation easement is necessary to be granted across the property for the purpose of maintaining all aircraft approach paths to Lindbergh Field. If an aviation easement is required, a recorded aviation easement would be required. If no aviation easement is required, written verification from the SDCRAA shall be submitted with the application.

#### Community Planning Group Recommendation

The Ocean Beach Community Planning Board recommended approval of the proposed project

with four recommended conditions: 1) six parking spaces shall be provided and the CC&R designates two parking spaces per each unit; 2) additional landscape elements be implemented; 3) under-grounding of utilities; 4) all gas lines, water lines and utilities be brought to current code on property. This Coastal Development Permit No. 163850 and Map Waiver No. 163846 are only for the condominium conversion; no new construction will take place with this action. As noted previously, the project has previously conforming rights for development to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. Therefore, no additional parking, common areas or revisions to the internal layouts are required. The permit requires that the four parking spaces remain on the site and be available for parking.

#### Undergrounding Waiver Request

The project currently contains overhead utility lines adjacent to the project site. The applicant has requested a waiver of undergrounding existing overhead public utilities per San Diego Municipal Code Section 144.0240 and Council Policy 600-25. The waiver is only for existing overhead utilities. Any future utilities would be required to be undergrounded. Staff has evaluated the request and has determined it would represent an isolated undergrounding and the request meets the criteria in Council Policy 600-25. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 2R and a date for the undergrounding has not been determined by City Council.

#### CONCLUSION

Staff has reviewed the request for a Coastal Development Permit and a Map Waiver to waive the requirements for a Tentative Map for the subdivision of land for the conversion of three residential units into a condominium project, including the request to waive the requirement to underground existing overhead utilities. Staff has determined that the project is in conformance with the applicable sections of the San Diego Municipal Code regulating Map Waivers and Council Policy 600-25 regulating undergrounding of existing overhead utilities. The development as conditioned, meets all applicable regulations set forth in the RM-2-4 Zone, the Ocean Beach Precise Plan and the required findings can be supported (Attachment 5). Therefore, staff recommends approval of Coastal Development Permit No. 163850 and Map Waiver No. 163846, including the Waiver from Undergrounding existing utilities, with the attached conditions.

#### ALTERNATIVE

1. Approve Map Waiver No. 163846 and Coastal Development Permit No. 163850, with modifications.
2. Deny Map Waiver No. 163846 and Coastal Development Permit No. 163850, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Laila Iskandar, Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Data Sheet
4. City's Undergrounding Master Plan for Fiscal Year 2004, Block 2R
5. Draft Permit with Conditions
6. Draft Resolution with Findings
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Certification/60 Day Notice

Job Order Number 42-3578